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| 09/385,739 | 08/30/1999 | WILLIAM FRANCIS WEBER | 198-0046 | 9607 |

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Bliss MCglynn PC
2075 West Big Beaver Road
Suite 600
Troy, MI 48084

| EXAMINER | |
|---|---|
| FERRIS III, FRED O | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### *Information Disclosure Statement*

*1. The information disclosure statements (IDS papers number: 10, 11, 12, 16, 18, and 19) submitted on (June 2, 12, July 7, Sept. 22, Oct. 20, 21) were filed after the mailing date of the Final Office Action on 12 May 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner. Attached are signed copies of the IDS PTO 1449 forms for papers # 10, 11, 12, 16, 18, and 19.*

### *Conclusion*

2. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 703-305-9670 and whose normal working hours are 8:30am to 5:00pm Monday to Friday.*

*Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 703-305-3900.*

The Official Fax Numbers are:

Official (703) 872-9306

*Fred Ferris*, Patent Examiner
Simulation and Emulation, Art Unit 2128
U.S. Patent and Trademark Office
Crystal Park 2, Room 5D53
Crystal City, Virginia 22202
Phone: (703) 305 - 9670
FAX: (703) 305 - 7240
Fred.Ferris@uspto.gov
January 16, 2004

KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Paper No. 020

Application Number: 09/385,739
Filing Date: August 30, 1999
Appellant(s): WEBER ET AL.

Daniel H. Bliss.
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 20 October 2003.

*EXAMINER'S ANSWER*

***(1) Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

***(2) Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

***(3) Status of Claims***

The statement of the status of the claims contained in the brief is correct.

***(4) Status of Amendments After Final***

The appellant's statement of the status of amendments and final rejection contained in the brief is incorrect. Applicants filed an after final request for reconsideration (paper # 14) on 11 August 2003. The examiner issued an Advisory Action (paper # 15) on 8 September 2003 stating the arguments were not persuasive to overcome the rejections as cited in the Final Office Action (paper # 9).

***(5) Summary of Invention***

The summary of invention contained in the brief is not agreed with for the following reasons:

Appellants have merely recited large sections of the specification in the Summary of Invention and have not provided an explanation of the invention as defined in the claims. The MPEP (1206) states that the specific items required by 37 CFR 1.192(c) in the Summary of Invention are:

> "(5) Summary of Invention. A concise explanation of the invention **defined in the claims** involved in the appeal. This explanation is **required** to refer to the **specification by page and line number**, and, if there is a drawing, to the **drawing by reference characters**. Where applicable, it is preferable to read the appealed claims on the specification and any drawing. While reference to page and line number of the specification may require somewhat more detail than simply summarizing the invention, it is considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application."

In a nutshell, in claim 1 appellants have claimed limitations drawn to:

Parametric design of vehicle instrument panel support structure by:
- Selecting vehicle body structure from memory stored library
- Orienting an occupant in vehicle
- Locating instrument panel support structure relative to vehicle
- Determining 3-D input parameter defining panel structure relative to vehicle
- Generating parametric panel structure design with input parameter
- Determining if design meets predetermined criteria and modifying input parameter if not

However, the Summary of Invention is completely silent on the specifics of exactly where in the specification these limitations are described.

***(6) Issues***

The examiner has applied 35 USC 102(e) rejections against independent claims 1, 7, and 16 and 35 USC 103(a) rejections against claims 1-18.

***(7) Grouping of Claims***

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because appellants have never argued the claims other than as a single group. Further, appellants have not presented any rational or explanation for their grouping in the sections entitled "grouping of Claims" or in "Arguments". In the "Arguments" section, appellants have essentially only recited the prior art teaching followed by a recitation of the claim limitations without pointing out the patentable

distinction between the claimed invention and the prior art. Therefore, the examiner considers the claims as a single group.

***(8) Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

***(9) Prior Art of Record***

The following is a listing of prior art of record relied upon in the rejection of claims under appeal.

U.S. 6,110,216 issued to Weber et al

U.S. 5,119,309 issued to Cavendish

U.S. 4,882,692 issued to Saxton et al

***(10) Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

These rejections are set forth in prior Office Action, Paper No. 9.

***Claims 1, 7 and 16 stand rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent 6,110,216 issued to Weber et al.***

*Regarding independent claims 1, 7, and 16: Weber teaches a computer based method for* ***parametric design*** *of* ***portions*** *of an* ***automotive design*** *where input parameters* ***using three dimensional (3-D) coordinates*** *are used to* ***generate*** *(output) a* ***design*** *based on user or* ***predetermined criteria****. (designing an instrument panel would obviously inherent by designing a "portion" of an automobile) The method*

*discloses **selecting a structure** from a **stored library** of generic objects and allows for the **location of objects (including locating steering and occupant)** within the design. The method also teaches **selecting, verifying, and modifying parameter** and **predetermined conditions** as part of the design process. The method further accepts feature based input information (**predetermined criteria**) that describes a particular geometry and permits design **modification** to **generate** an output design and packaging of automotive portions. (Abstract, Summary of Invention (especially CL2-L17-19, 23-27, 41-44, 45), CL4- L1-63 (especially L33), CL7-L62-CL8-L55 (especially L32-34), Figs. 1-4, 17-23, CL9-L35-CL10-L2 (especially L49))*

***Claims 1-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,119,309 issued to Cavendish et al in view of U.S. Patent 4,882,692 issued to Saxton et al.***

*Regarding claims 1-6: Cavendish teaches a method for computer design of **automotive vehicle panels** where input parameters **using three dimensional coordinates** are used to **generate** (output) a **panel design** based on user or **predetermined criteria**. (functional objectives and requirements) The Cavendish method further accepts feature based input information (predetermined criteria) that describes a particular geometry and permits design **modification** to **generate** an output design of automotive panels that can include instruments. (Abstract, Summary of Invention, CL1-L10-25, CL2-L25, CL2-L35-63, CL7-L17, CL8-L18-40, CL9-L37, CL12-L53-60, Figs. 2-8)*

*Cavendish mentions, but does not explicitly teach parametric design.*

*Saxton teaches a parametric design method which allows a computer to create, interpret, and relate modules for designing and directing the* ***production of a manufactured part*** *by creating an electronically stored image of the part which may be scaled and dimensioned. (Abstract, Summary of Invention, CL2-L53-65, CL4-L6-55, Figs. 5, 8, 51-57)*

*It would have been obvious to one having ordinary skill in the art at the time the claimed invention was made to modify the teachings of Cavendish relating to a method for computer design of* ***automotive vehicle panels*** *where input parameters* ***using three dimensional coordinates*** *are used to* ***generate*** *(output) a* ***panel design*** *based on user or* ***predetermined criteria****, with the teachings of Saxton relating to a parametric design method which allows a computer to create, interpret, and relate modules for designing and directing the* ***production of a manufactured part*** *to realize a method of parametric design of an instrument panel support structure. An obvious motivation exists since, as referenced by prior art, the use of parametric design techniques improves the manufacturing efficiency and cost effectiveness of the design process.*

*Regarding claims 7-15: As previously mentioned, Cavendish teaches a method for computer design of* ***automotive vehicle panels*** *where input parameters* ***using three dimensional coordinates*** *are used to* ***generate*** *(output) a* ***panel design*** *based on user or* ***predetermined criteria****. (functional objectives and requirements) The Cavendish method also discloses* ***selecting a structure*** *from a* ***stored library*** *of generic objects and allows for the* ***location of objects (locating steering would be***

***obvious)*** *within the design. The Cavendish method further accepts feature based input information (predetermined criteria) that describes a particular geometry and permits design* ***modification*** *to* ***generate*** *an output design of automotive panels that can include instruments. (Abstract, Summary of Invention, CL1-L10-25, CL2-L25, CL2-L35-63, CL7-L17, CL8-L18-40, CL9-L37, CL12-L53-60, CL 14-L4-25, Figs. 2-8)*

*Cavendish mentions, but does not explicitly teach parametric design.*

*Saxton teaches a parametric design method which allows a computer to create, interpret, and relate modules for designing and directing the* ***production of a manufactured part*** *by creating an electronically stored image of the part which may be scaled and dimensioned. Saxton also discloses* ***selecting a structure*** *from a* ***stored library*** *of objects. (Abstract, Summary of Invention, CL2-L53-65, CL4-L6-55, Figs. 5, 8, 51-57)*

*It would have been obvious to one having ordinary skill in the art at the time the claimed invention was made to modify the teachings of Cavendish relating to a method for computer design of* ***automotive vehicle panels*** *where input parameters* ***using three dimensional coordinates*** *are used to* ***generate*** *(output) a* ***panel design*** *based on user or* ***predetermined criteria****, with the teachings of Saxton relating to a parametric design method which allows a computer to create, interpret, and relate modules for designing and directing the* ***production of a manufactured part*** *to realize a method of parametric design of an instrument panel support structure. An obvious motivation exists since, as referenced by prior art, the use of parametric design techniques improves the manufacturing efficiency and cost effectiveness of the design process.*

*Regarding claims 16-18: As previously mentioned, Cavendish teaches a method for computer design of* ***automotive vehicle panels*** *where input parameters* ***using three dimensional coordinates*** *are used to* ***generate*** *(output) a* ***panel design*** *based on user or* ***predetermined criteria****. (functional objectives and requirements) The Cavendish method also discloses* ***selecting a structure*** *from a* ***stored library*** *of generic objects and allows for the* ***location of objects (locating steering or an occupant would be obvious)*** *within the design. The Cavendish method further accepts feature based input information (predetermined criteria) that describes a particular geometry and permits design* ***modification*** *to* ***generate*** *an output design of automotive panels that can include instruments. (Abstract, Summary of Invention, CL1-L10-25, CL2-L25, CL2-L35-63, CL7-L17, CL8-L18-40, CL9-L37, CL12-L53-60, CL 14-L4-25, Figs. 2-8)*

*Cavendish mentions, but does not explicitly teach parametric design.*

*Saxton teaches a parametric design method which allows a computer to create, interpret, and relate modules for designing and directing the* ***production of a manufactured part*** *by creating an electronically stored image of the part which may be scaled and dimensioned. Saxton also discloses* ***selecting a structure*** *from a* ***stored library*** *of objects. (Abstract, Summary of Invention, CL2-L53-65, CL4-L6-55, Figs. 5, 8, 51-57)*

*It would have been obvious to one having ordinary skill in the art at the time the claimed invention was made to modify the teachings of Cavendish relating to a method for computer design of* ***automotive vehicle panels*** *where input parameters* ***using***

***three dimensional coordinates*** *are used to* ***generate*** *(output) a* ***panel design*** *based on user or* ***predetermined criteria****, with the teachings of Saxton relating to a parametric design method which allows a computer to create, interpret, and relate modules for designing and directing the* ***production of a manufactured part*** *to realize a method of parametric design of an instrument panel support structure. An obvious motivation exists since, as referenced by prior art, the use of parametric design techniques improves the manufacturing efficiency and cost effectiveness of the design process.*

***(11) Response to Argument***

*It is noted that appellant's arguments regarding prior art have essentially only recited the prior art teaching followed by a recitation of the claims without pointing out the patentable distinction between the claimed invention and the prior art, or have been addressed to limitations that have not been specifically claimed. In arguments relating to the prior art, appellants have repeatedly used terms such "merely discloses" when addressing certain less-relevant prior art features, but have completely ignored the fundamental teachings disclosed in the prior art that are directly related to the claimed limitations of the present invention. Further, appellants have not specifically addressed the merits of the rejections as presented by the examiner.*

***Regarding appellants response to 35 USC 102(e) rejection:***

*Per claim 1: Appellants argue that prior art (Weber 216') does not disclose the following:*

*1) determining a three-dimensional input parameter defining an instrument panel support structure.*

*2) electronically generating an instrument panel support structure (and attachment point) using the input parameter.*

*The examiner first notes the Weber (216) is also one of the inventors of the present invention.*

*The examiner asserts that, as cited in the Final Office Action, Weber clearly discloses the* ***parametric design*** *of* ***portions*** *of an* ***automobile*** *(an instrument panel is obviously a* ***portion*** *(part) of an automobile) with* ***input parameters*** *using* ***three-dimensional (3-D) coordinates.*** *In particular column 1, line 65 of Weber 216' recites:*

"When a change is made to the occupant orientation, a **vehicle system**, or **any design parameter, regeneration** of the **entire vehicle design is electronically performed**. During this regeneration step, appropriate relationships between the occupant representation, the **vehicle systems**, and the vehicle are automatically determined, and vehicle systems are automatically changed according to the revised **parameters**."

*At column 4, line 53 of Weber 216' also recites:*

**Parameter selection** and control for the **design** method can be accomplished by a user 26 via a keyboard 28, or other user interaction device, such as a mouse or a SpaceBall.TM.. One input method could include a pop-up window with **all current parameters**, including an on-line description for the **parameter** and a current value therefor.

*At column 5, line 35 of Weber 216' then recites:*

"For purposes of this disclosure, packaged means that an electronic representation of the **dimensions** of the **system, device, or component** are **geometrically related** to the vehicle **three-dimensional** electronic reference **frame or coordinate system**. These systems may include, but are not limited to, **instrument panel clusters**, heating, ventilation, and air conditioning (HVAC) control panels and outlet ducts, door trim, glove box, air bags, knee bolsters, a steering wheel..."

*At column 7, line 47 Weber 216' also recites:*

"Selection of a **vehicle platform** may be from a **list of vehicle platforms** and will determine the **three-dimensional coordinates of the platform** in an electronic form as represented in the memory of the computer 22. In addition, a **new vehicle platform** may be developed and used as a **coordinate reference system** for the present invention."

*At column 9, line 47 Weber 216' further recites:*

"In box 80 (FIG. 3), vehicle **structure** is added, including but not limited to, a cross car beam 242 and **support brackets** 244, a glove box 246, a windshield cowl 248, a center console 250, a manual gear shifter 252, and an air bag 254 (FIGS. 14 and 15). **Other items may also be added**,"

*The examiner also notes that both Weber 216', and the claimed invention, cite the use of commercially available solid modeling programs such as Pro/Engineer or IDEAS (see Weber 216', column 4, lines 22-30, also claimed invention specification page 11 lines 1-9), all of which include inherent features to facilitate three-dimensional input parameters for a parts geometry and attachment within a given platform. Accordingly, since prior art clearly discloses teachings relating to determining a three-dimensional input parameter defining an instrument panel support structure (i.e. an automobile "portion"), and electronically generating an instrument panel support structure using an input parameter, as disclosed above, the examiner has maintained the 102(e) rejection of claim 1.*

*Per claim 7: Appellants argue that prior art (Weber 216') does not disclose the limitations previously addressed above and limitations further including:*

*3) orientation of an occupant*

*4) location of a steering wheel*

*5) comparing design / varying parameters to predetermined criteria*

*6) regenerating the parametric design*

*The examiner asserts that, as cited in the Final Office Action, Weber clearly discloses occupant and steering wheel orientation, comparing and varying design parameters to predetermined criteria, and regenerating parametric design. In particular, at column 5, line 7 Weber 216' recites:*

"In box 42 of FIG. 2, an **occupant representation is oriented in the**

**vehicle**. For purposes of this disclosure, **orientation of an occupant means specifying or selecting values** for a set of **occupant position parameters** which represent various occupant locations with respect to the vehicle. These occupant position **parameters** may include data for the **three-dimensional location** of an occupant hip point, a distance between an accelerator heel point and the occupant hip point, and occupant back angle.."

*Line 33 then recites:*

"After **the occupant has been oriented** as described above, various systems, devices, or components are then packaged on the vehicle. For purposes of this disclosure, packaged means that an electronic representation of **the dimensions of the system, device, or component are geometrically related to the vehicle three-dimensional electronic reference frame or coordinate system**. These systems may include, but are not limited to, **instrument panel clusters**, heating, ventilation, and air conditioning (HVAC) control panels and outlet ducts, door trim, glove box, air bags, knee bolsters, a **steering wheel**.."

*the abstract further recites the following:*

The designer then has an option to vary, or alter, the occupant orientation, the location of the **vehicle system**, or both, so that the **design meets a predetermined criteria** of the study.. However, the designer may opt to retain the design despite non-compliance with the criteria. If a parameter change is made, the system and method automatically rebuild every other effected dimension, and vehicle systems to satisfy the **regenerated design** are automatically selected from an **electronic parts library** so that packaging alternatives can be quickly studied.
*(also see Weber 216' claims 8, 9, and 10)*

*Accordingly, since prior art clearly discloses the additional teachings relating to orientation of an occupant, location of a steering wheel, comparing design / varying parameters to predetermined criteria, regenerating the parametric design, as disclosed above, the examiner has maintained the 102(e) rejection of claim 7.*

*Per claim 16: Appellants argue that prior art (Weber 216') does not disclose the limitations previously addressed above and limitations further including:*

*7) locating an instrument panel in the vehicle*

*8) selecting parameters for attaching instrument panel*

*9) selecting predetermined condition (criteria) for instrument panel in vehicle*

*The examiner asserts that, as cited in the Final Office Action, Weber clearly discloses locating an instrument panel, selecting attaching parameters (attaching: see solid modeling comments above), and selecting predetermined condition (criteria). In particular and as noted above column 5, line 35 of Weber 216' then recites:*

"For purposes of this disclosure, packaged means that an electronic representation of the **dimensions** of the **system, device, or component** are **geometrically related** to the vehicle **three-dimensional** electronic reference **frame** or **coordinate system**. These systems may include, but are not limited to, **instrument panel clusters**, heating, ventilation, and air conditioning (HVAC) control panels and outlet ducts, door trim, glove box, air bags, knee bolsters, a steering wheel..."

*At column 4, line 53 of Weber 216' also recites:*

**Parameter selection** and control for the **design** method can be accomplished by a user 26 via a keyboard 28, or other user interaction device, such as a mouse or a SpaceBall.TM.. One input method could include a pop-up window with **all current parameters**, including an on-line description for the **parameter** and a current value therefor.

*As also noted above, the designer can select design parameters that are predetermined and compare them to design criteria. (see Weber 216" Abstract)*

*Accordingly, since prior art clearly discloses the additional teachings relating to locating an instrument panel in the vehicle, selecting parameters for attaching instrument panel, and selecting predetermined condition (criteria) for instrument panel in vehicle as disclosed above, the examiner has maintained the 102(e) rejection of claim 16.*

***Regarding appellants response to 103(a) rejection:***

*First, the examiner respectfully disagrees with appellant's statement that "applicants are not attacking the references individually" (page 22, line 19). Appellant's arguments beginning on page 18 clearly indicate attempted piecemeal analysis of the combined prior art references. For example, on page 18, line 3 appellants argue that*

*"Cavendish et al does not even teach parametric design", while the examiner has never asserted that Cavendish specifically teaches parametric design at all. Page 7 of the Final Office Action clearly recites that "Cavendish mentions, but does not explicitly teach parametric design". Cavendish teaches automotive panel design as cited in the Final Office Action.*

*The examiner did not rely on Cavendish for a teaching of parametric design. Appellants subsequently argue that Saxton et al fails to determine an input parameter that is a three-dimensional coordinate defining an instrument panel", while again the examiner has never asserted that Saxton provided such teachings. Saxton teaches computerized parametric design and parts library as cited in the Final Office Action.*

*The examiner did not relay on Saxton for providing teachings related to instrument panel design. Appellants have misrepresented the examiners rejection. (Please refer to the plain language in the 103(a) rejections)*

*The examiner further disagrees with appellant's statements (page 22, line 16, for example) that the examiner has resorted to speculation, unfounded assumptions, or hindsight in establishing obviousness in the combination of prior art references. The examiner has never asserted that it was "obvious to substitute the coordinate data points" of Cavendish "for the parametric design of Saxton" as asserted by appellants (page 22, line 14, for example). From a technical standpoint this statement does not even make sense. Appellants have again misrepresented the examiners rejection. (Appellants are again directed to the plain language in the 103(a) rejections) In the Final Office Action the examiner specifically stated that it would have been obvious to one of*

*ordinary skill in the art to modify the teachings Cavendish with the teachings Saxton. (see paper #9, page 8 for details) In doing so, the examiner has simply asserted that certain limitations relating to three-dimensional part coordinates and parametric design are obvious and well-known in the art in addition to being disclosed in the prior art. Therefore, a skilled artisan would have been aware of such techniques and, hence, would have been motivated to modify the teachings of Cavendish with the teachings of Saxton to realize the claimed invention as cited in the Final Office Action. (paper #9)*

*Regarding claims 1-6: The examiner disagrees with appellant's statements that there is "absolutely no teaching of a level of skill in the instrument panel art to determine an input parameter this is a three-dimensional coordinate defining and instrument panel support structure relative to the vehicle body and electronically generate a parametric design". (page 22, line 8, for example) As cited in the Final Office action, Cavendish teaches techniques for computer aided design (CAD and analytical) of automotive vehicle panels where input parameters using three-dimensional coordinates (see Fig. 6, for example) are used to generate (output) a panel design based on user inputs and predetermined criteria. (i.e. prior art teaches all of the required geometry, and the level of skill required, for generating the design of any automotive panel including an instrument panel). By applying the techniques taught by Cavendish a skilled artisan would clearly be able to develop a panel design for an instrument support structure for a vehicle. Further, and as also cited in the Final Office Action, by using the parametric design teachings of Saxton to modify the teachings of Cavendish, a skilled artisan would have been able to realize a parametric design of an instrument panel support*

*structure. Since the intended use of the design is a vehicle, it would also have been obvious, and necessary, to include parameter positions for items such as a steering column, cross bar support, occupant orientation, human factors, attachment parameters, etc. (claims 2-6). The examiner also notes that appellants have submitted numerous IDS documents (see pagers 4, 10, 11, 12, 16, 18, 19) that contain teachings of parametric design techniques. This further buttresses the examiners position that parametric design techniques are well-known to those skilled in the art.*

*Regarding claims 7-15, 17 and 18: In addition to the arguments previously presented above, claims 7-15 include additional limitations relating to attachment location parameters of the instrument panel. As cited in the Final Office Action, Cavendish discloses providing attachment surfaces for the panel design (column 2, line 1) and feature based* ***input information (predetermined criteria)*** *that describes a particular geometry and permits design* ***modification*** *to* ***generate*** *an output design of automotive panels. (CL1-L10-25, CL2-L25, CL2-L35-63, Fig. 8) Claims 16-18 include additional limitations relating to vehicle body style parameters and a library stored in memory. As cited in the Final Office Action, Saxton discloses selecting a structure (object) from a stored library of objects based on design parameters (CL40-L29). Since the intended use of the claimed invention relates to the design of instrument panels in a vehicle, it would have been obvious, and necessary, include attachment location parameters, since the instrument panel must attach to the vehicle, and to further include vehicle body style parameters in the stored library, since the body style parameters (dimensions) effect to parameters of the instrument panel.*

*Accordingly, the claimed method of parametric design of an instrument panel support structure is obvious by modifying the teachings of Cavendish in view the teachings of Saxton as cited above. Appellants have merely engaged in a contorted piecemeal analysis and have not clearly pointed out the patentable novelty of the claims in view of the prior art. Accordingly, the examiner has maintained the 103(a) rejection.*

*For the above reasons it is believed that the rejections should be sustained.*

*Respectfully submitted,*
*Fred O. Ferris III*
*Patent Examiner, AU 2128*

*Conferees:*
*Kevin Teska*
*William Thompson*

*Daniel H. Bliss*
*Bliss McGlynn, P.C.*
*Attorney for Applicant(s)*
*Reg. No. 32,398*

KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER